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RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA and
ANGELA PHILLIPS, Revenue Officer,

Petitioners,

v.

RAYMOND ONG,

Respondent.

No. C-06-4411-JF

[proposed]
ORDER FINDING RESPONDENT
IN CONTEMPT

This matter came before the Court on January 26, 2007, upon the Court's Order to Show Cause (re contempt) entered December 13, 2006.

On November 17, 2006, the Court entered its Order Granting Petition to Enforce Internal Revenue Service Summons ("Order Enforcing Summons") in this matter. Mr. Ong, who has not appeared at any of the court proceedings concerning the enforcement of the IRS summons at issue, has yet to produce the documents ordered by the Court in the Order Enforcing Summons.

Due to respondent's failure to comply with the Order Enforcing Summons, the petitioners filed an Application For Entry of Order to Show Cause Re: Contempt on December 7, 2006. On December 13, 2006, this Court ordered respondent to appear and show cause, if any, why he should not be held in contempt for his failure to comply with the Court's Order Enforcing Summons. On January 26, 2007, the show cause hearing was held.

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1 Despite the great length of time Mr. Ong has had to comply with the Order Enforcing
 2 Summons, Mr. Ong has not complied with the summons by providing the government with the
 3 summoned records.

4 The Court having considered the record herein, it is hereby
 5 **ORDERED** that respondent Raymond Ong, is in contempt of this Court's Order
 6 Enforcing Summons, and respondent is fined \$500 per day from this date until the date he
 7 complies with the Order Enforcing Summons.

8 **IT IS FURTHER ORDERED** that if respondent Raymond Ong complies with the Order
 9 Enforcing Summons, within ten days of this date, he will be purged of the \$500 per day fine that
 10 might have accrued against him for his failure to comply with the Order Enforcing Summons.

11 **IT IS FURTHER ORDERED** that if, by March 5, 2007 respondent Raymond
 12 Ong has failed to comply with the Order Enforcing Summons, he shall appear in person before
 13 this Court on the 5th day of March, 2007, at 9 A.m., United States Courthouse, 280 S.
 14 First Street, San Jose, California and then and there show cause why he should not be imprisoned
 15 until he complies with the Court's Order Enforcing Summons.

16 **ORDERED** this 26th day of January, 2007 at San Jose, California.

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 20 UNITED STATES DISTRICT JUDGE
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